



Anthony Hansel  
Assistant General Counsel  
1750 K Street, NW, Suite 200  
Washington, DC 20006

T > 202.220.0410  
F > 202.833.2026  
E > [ahansel@covad.com](mailto:ahansel@covad.com)

February 26, 2010

Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Suite TW-A325  
Washington, DC 20554

RE: Annual CPNI Certification; EB Docket No. 06-36

Dear Secretary Dortch:

Pursuant to Section 64.2009(e) of the Commission's rules and the Public Notice dated January 15, 2010, Covad Communications hereby submits its annual CPNI certification.

Please contact me at (202) 220-0410 or [ahansel@covad.com](mailto:ahansel@covad.com) with any questions regarding this filing.

Respectfully submitted,

A handwritten signature in cursive script that reads "Anthony Hansel".

Anthony Hansel  
Assistant General Counsel

cc: Best Copy and Printing, Inc.

**Annual 47 C.F.R. § 64.2009(e) CPNI Certification**  
**EB Docket 06-36**

Annual 64.2009(e) CPNI Certification for 2010 covering the prior calendar year 2009

Date filed: February 26, 2010

Name of company(s) covered by this certification: Covad Communications Group, Inc.,  
Covad Communications Company,  
DIECA Communications, Inc.,  
Nextweb, Inc.

Form 499 Filer ID: 822052

Name of signatory: Doug Carlen

Title of signatory: Senior Vice President and General Counsel

Certification:

I, Doug Carlen, certify that I am an officer of the company named above, and acting as an agent of the company, that I have personal knowledge that the company has established operating procedures that are adequate to ensure compliance with the Commission's CPNI rules. See 47 C.F.R. § 64.2001 *et seq.*

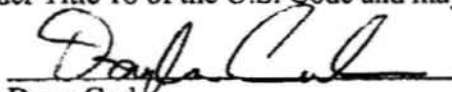
Attached to this certification is an accompanying statement explaining how the company's procedures ensure that the company is in compliance with the requirements (including those mandating the adoption of CPNI procedures, training, recordkeeping, and supervisory review) set forth in section 64.2001 *et seq.* of the Commission's rules.

The company has not taken actions (*i.e.*, proceedings instituted or petitions filed by a company at either state commissions, the court system, or at the Commission against data brokers) against data brokers in the past year.

The company has not received customer complaints in the past year concerning the unauthorized release of CPNI.

The company represents and warrants that the above certification is consistent with 47 C.F.R. § 1.17 which requires truthful and accurate statements to the Commission. The company also acknowledges that false statements and misrepresentations to the Commission are punishable under Title 18 of the U.S. Code and may subject it to enforcement action.

Signed

  
Doug Carlen  
Senior Vice President and General Counsel  
Covad Communications Group, Inc.

### **Summary Statement of CPNI Policies**

Covad Communications (“Covad”) has established practices and procedures to ensure that it protects the privacy of its customers’ information and to ensure that it is in compliance with Section 222 of the Communications Act and the Commission’s Customer Proprietary Network Information (“CPNI”) rules.

Covad has programs in place to ensure that the use, disclosure, or access to CPNI by Covad employees, affiliates, agents, joint venture partners, or other third parties is in accordance with the Commission’s rules. The following is a summary of Covad’s policies and procedures related to protection of customer information:

- **Access Limitation:** Covad limits access to customer information and prohibits access to CPNI by unauthorized employees or other entities subject to disciplinary action. Employees are held to non-disclosure obligations. Covad requires that the CPNI only be used for the purpose it was provided and prohibits disclosure to any other party, unless required by force of law.
- **Training Programs:** Covad conducts training to ensure that employees, affiliates, agents, joint venture partners, and other third parties with access to CPNI adequately protect such information in accordance with the Commission’s rules.
- **Legal Review Process:** Covad’s Legal Department reviews sales and marketing campaigns before they are implemented to ensure compliance with the Commission’s CPNI rules.
- **Record Retention:** Records of sales and marketing campaigns utilizing CPNI are maintained for at least one calendar year.
- **Collection and Maintenance of Customer Notifications/Approvals:** In any situation where either opt-in or opt-out approval for the use of CPNI becomes necessary, Covad will obtain appropriate customer approval depending on the situation prior to use of that CPNI and will retain records of such approvals for at least one calendar year. In such circumstances, customers are notified of their right, and our duty, under federal law to protect the confidentiality of CPNI and of their right to restrict use of, disclosure of, and access to their CPNI. Covad has a system to allow its employees, affiliates, agents, joint venture partners, and independent contractors to determine the status of customer’s approval to use its CPNI. Under the Commission’s rules, Covad is not required to obtain customer consent to use CPNI in all circumstances.
- **Confidentiality:** To the extent that the use of CPNI becomes necessary, Covad takes steps to ensure that CPNI received by its agents, affiliates, joint venture partners, and independent contractors is used properly. Covad requires that the

CPNI only be used for the purpose it was provided and prohibits disclosure to any other party, unless required by force of law.

- **Customer CPNI Restrictions:** Covad maintains a system to allow customers to restrict the use of their CPNI to the extent use of their CPNI is restricted pursuant to the Commission's rules.
- **Reporting Opt-Out Failures:** Covad will notify the Commission by letter within five business days if its opt-out mechanism does not work properly.
- **Avoidance of Pretexting:** Covad has in place security verification procedures to ensure that changes to service may only be made by and customer account information is only provided to bona fide customers.
- **Notification of CPNI Breaches:** In accordance with the Commission's rules, Covad has in place a system to notify the federal government and customers of breaches in CPNI security. Records related to any such breaches will be kept for at least two years.